



**TARIFA'S EXPOSITION OF THE KANUN:
SOMETHING FOR SOCIOLOGISTS AND PHILOSOPHERS ALIKE**

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TO BE ASKED TO provide a commentary on a work is often to be asked to provide a set of criticisms, criticisms that hopefully run deep and generate an exchange between the author and his or her readers. Accordingly, my success as a commentator would depend on the intensity of this exchange. But this approach is not one that I will take while commenting on Fatos Tarifa's informative and insightful work "Of Mice, Men, and Mountains: Justice Albanian Style." I will allow those from within the ranks of the sociologists, those who are most familiar with the ethnography of northern Albania, to begin the debate. Since I am a philosopher, and a different sort of philosopher at that, I plan to follow K. Anthony Appiah's lead when he

refers to philosophy as "kibitizing plus attending to the big picture" (Appiah 2001: 104).

The big picture has to do with the *Kanun* as a legal and moral framework that governed for centuries every aspect of people's lives in northern Albania. Tarifa does a painstaking job in laying out the fundamental elements of this framework by exploring the origin of the *Kanun*; examining the key concepts of Honor (*Nderi*), the Word of Honor (*Besa*), and Hospitality (*Mikpritja*); linking the rituals of vengeance within this conceptual web; and juxtaposing a more informed and complex explanation with other "theories" that manifest serious deficiencies in explaining the blood feuds in northern Albania.

As customary law composed of a set of injunctions governing the everyday lives of the mountaineers of northern Albania and codified into a set of 1,263 articles by Lekë Dukagjini—a fifteenth-century Albanian prince and ally of Albania's liberator, Skanderbeg—and transcribed and published in the mid-1930s, the *Kanun* is an extraordinary legal and moral framework that functioned to keep order and create a certain amount of cohesiveness among Christians and Muslims in that part of Albania. In his detailed discussion of the rules governing vengeance, Tarifa makes it clear that though blood letting was indeed regulated, the regulation was such that it often led to its escalation. Granted, vengeance was not allowed in certain instances, and these instances were spelled out in great detail, such as in the case of adultery when the adulterous pair are "killed in the act and with a single shot." Yet the blood feuds took a heavy toll on the male population of northern Albania. The numbers given are staggering.

"Of Mice, Men, and Mountains" is not short on references to those knowledgeable of northern Albania, including the famed British anthropologist Edith Durham. One such reference is to her claim that customs must be understood through the eyes of the people who live them. This is an important facet of ethnographic work because neglecting such an approach has led many to interpret the northern Albanian mountaineers as a lawless people. But Tarifa reminds his readers that the *Kanun* tells a very different story. The situation of those people is anything but unregulated murder and mayhem.

Seen through the eyes of modern moral theorists, however, the *Kanun* and some of its fundamental elements can be placed within an on-going philosophical debate. For all the order and stability that the *Kanun* provided the mountaineer communities, the framework's crucial components of honor and the word of honor confound one of the complaints issued by contemporary critics against morality, which is that morality is an exclusively other-regarding affair rather than a self-regarding project (Louden 1992: 13-14). As Tarifa notes, "for the Albanian highlander honor was more important than life [and liberty]. Honor was the embodiment and the real meaning of life, since, according to the *Kanun*, a dishonored man was considered a dead person." Of course, the honor of the family or the tribe can also be blackened, and not to seek vengeance in this case would be regarded as a disgrace to the family or tribe. Yet in a very real sense, inaction would be an unbearable disgrace to the individual, and so to seek blood letting in this case is, in part, a self-regarding act. If it would be difficult, if not impossible, to live with oneself, then to avenge one's family member (or even a guest in one's dwelling) is in a very meaningful sense a self-regarding affair. So it appears that the "lived morality" of the northern Albanian mountaineer (and I contend, that of many other peoples) was not exclusively other-regarding.

Moreover, it is this unrelenting obligation to settle scores that represents the weakness of the *Kanun* as a moral framework that provides efficacious guidance to practice. Although honor is part of a virtuous character, and character should not go unnoticed in a complete moral framework, honor is taken to such an extreme in the *Kanun* that, as Tarifa notes, it is "contrary to everybody's [including the community's] self-interest." Even the traditional models of morality—Kantian, utilitarian, and virtue theory—would find such an outcome to be troubling. With the forces of modernity approaching northern Albania, it was only a matter of time before this weakness of the *Kanun* would lead to its abandonment by many.

Yet in other ways the *Kanun* is in keeping with the traditional model of morality as one that

requires moral agents to adopt an other-regarding point of view. This is demonstrated by the practice of hospitality, what Tarifa calls the "most sublime virtue" of the people of northern Albania. Tarifa notes that this is best captured in the *Kanun's* definition of the mountaineer's house: "The house of the Albanian belongs to God and the guest" (citing Gječov 1989: 132). Interesting enough, the obligation to care for the guest was true even when the guest was in a state of blood feud with the one who was giving shelter and protection. So the guest for the northern Albanian took on an even greater importance than blood relations.

What is particularly interesting about hospitality is that while this practice was an other-regarding affair within the lived-world of the Albanian, even to the point of placing one's own life in danger for the sake of the guest, Tarifa does not give us any reason to believe that this practice took on the additional meaning that it has acquired today, which is one of risk taking in the hope of generating empathy. For those who work in the area of conflict prevention, the empathic response and finding ways to invoke such a response are extremely important. It is often difficult to bring disgruntled parties to interact in close proximity in order for an empathetic response to take hold. One way to achieve this closeness is for one of the parties to show hospitality towards the other. This means, according to the theologian Martin Marty, that there should be "a call that at least one party begin to effect change by risking hospitality toward the other" (2005: 1). This amounts to receiving a stranger into one's home, a stranger who may be liked or even hated, so that barriers can be disassembled and a relationship either initiated or restored. But there is no indication that hospitality had such a function in the case of the mountaineers, which suggests that hospitality as practiced by the Albanians was limited insofar as it had little, if any, impact on subduing the endless blood feuds.

The value of Tarifa's "Of Mice, Men, and Mountains: Justice Albanian Style" does not lie solely in giving us a better understanding of the *Kanun* and the code of vengeance, as well as in offering explanations for the origin and maintenance of vengeance in northern Albania. It also surfaces in how his discussion of the *Kanun* finds its way into a bigger picture, one that is not so obvious and that is well beyond the scope of Tarifa's work. Although "Of Mice, Men, and Mountains" will no doubt generate a discussion among sociologists, including one that exposes the limits of the *Kanun*, it has already helped this philosopher to empirically inform the ongoing debate among his colleagues over competing models of morality.

References

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